

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 NATHAN WILLIAMS,

5 Plaintiff

6 v.

7 SGT. ALLEN et al.,

8 Defendants

2:17-cv-01119-JAD-VCF

Order

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10 This is a *pro se* civil rights action filed under 42 U.S.C. § 1983 by a state prisoner. On
11 April 25, 2017, I denied plaintiff's application to proceed *in forma pauperis* without prejudice
12 because the application was incomplete.¹ I ordered plaintiff to file a fully complete application to
13 proceed *in forma pauperis* or pay the full \$400 filing fee within 30 days from the date of that
14 order.² The 30-day period has now expired, and plaintiff has not filed another application to
15 proceed *in forma pauperis*, paid the full filing fee, or otherwise responded to the court's order.

16 District courts have the inherent power to control their dockets and "[i]n the exercise of
17 that power, they may impose sanctions including, where appropriate . . . dismissal" of a case.³ A
18 court may dismiss an action with prejudice based on a party's failure to prosecute an action,
19 failure to obey a court order, or failure to comply with local rules.⁴ In determining whether to

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21 ¹ ECF No. 3 at 1–2.

22 ² *Id.* at 2.

23 ³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

24 ⁴ *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
25 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
26 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–
27 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to
28 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
(dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424
(9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
2 local rules, the court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
5 availability of less drastic alternatives.⁵

6 In the instant case, the first two factors—the public's interest in expeditiously resolving
7 this litigation and the court's interest in managing the docket—weigh in favor of dismissal. The
8 third factor, risk of prejudice to defendants, also weighs in favor of dismissal, since a
9 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
10 ordered by the court or prosecuting an action.⁶ The fourth factor—the public policy favoring
11 disposition of cases on their merits—is greatly outweighed by the factors that favor dismissal.
12 Finally, a court's warning to a party that his failure to obey the court's order will result in
13 dismissal satisfies the “consideration of alternatives” requirement.⁷ My order giving the plaintiff
14 30 days to file another application or pay the full filing fee expressly stated: “IT IS FURTHER
15 ORDERED that if [p]laintiff does not timely comply with this order, dismissal of this action may
16 result.”⁸ Thus, plaintiff had adequate warning that dismissal would result from his
17 noncompliance with the court's order.

18 IT IS THEREFORE ORDERED that **this action is DISMISSED** without prejudice based
19 on plaintiff's failure to file another application to proceed *in forma pauperis* or pay the full filing
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24 ⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*,
25 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

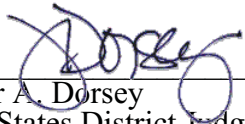
26 ⁶ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424.

28 ⁸ ECF No. 3 at 2.

1 fee in compliance with the April 25, 2017, order. The Clerk of Court is instructed to **CLOSE**
2 **THIS CASE.**

3 DATED: June 2, 2017

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7 Jennifer A. Dorsey
8 United States District Judge
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